

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIXTEEN THIRTEEN MARINE S.A.,

08 CV 1318 (HB)

Plaintiff,

ECF CASE

-against-

CONCENTRA AG,

Defendant.
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Declaration of Matthew Lloyd Montgomery

I, MATTHEW LLOYD MONTGOMERY BEING DULY SWORN, DEPOSE AND SAY:

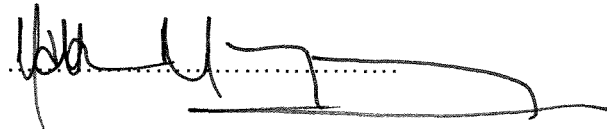
1. I am a trainee solicitor employed by Barlow Lyde & Gilbert LLP of Beaufort House 15 St Botolph Street, LONDON, EC3A 7NJ, United Kingdom. I am assisting Eurof Lloyd-Lewis who has conduct of this matter (subject to the supervision of Richard Black, a partner).
2. I am authorised by Congentra AG, the Defendant Charterers, to make this declaration on their behalf in response to the Amended Verified Complaint made by Michael E Unger of Freehill Hogan & Mahar LLP in support of the Plaintiff's application for relief pursuant to Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims.
3. For ease of reference I adopt the same definitions as those in the declaration of Edward Eurof Lloyd-Lewis.
4. Where I have direct knowledge of the matters referred to in this Declaration they are true. Otherwise I set out the source of my information and belief.
5. On 4 March 2008 I made two telephone calls to the International Transport Workers' Federation ("ITF") of ITF House, 49-60 Borough Road, London SE1 1DR.
6. I enquired as to whether anybody could give me any information regarding the m/v Nicholas M and/or Chian Spirit Maritime Enterprises Inc, the managers of the Vessel.

7. I was put through to Mr William Goodger, a Senior Assistant in the Actions Department. Mr Goodger explained that there was an internal ITF database that showed the details of vessels and their owners. He looked up the m/v Nicholas M.
8. Mr Goodger said that the database showed that Chian Spirit Management Inc paid very low wages.
9. Mr Goodger also said that the database recorded that the ITF had reported the vessel to Port State Control regarding bad technical conditions on 19 December 2007 after a routine inspection. He added that Port State Control had detained the vessel from 29 December 2007 to 11 January 2008.
10. On the basis of the above and the information that Konstantin Petrunin obtained from Sergey Fishov, ITF's Russian representative, there is clearly no factual basis whatsoever for Owners' allegations against Congentra and therefore the attachment should be set aside.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of March 2008, London, UNITED KINGDOM.

Signed:

A handwritten signature in black ink, appearing to be 'W. Goodger', written over a horizontal dotted line. Below the dotted line is a solid horizontal line.